



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

ment by the shipper of an additional charge, thus ruining plaintiff's business. *Held*, that the association and railroads were liable for damages sustained by plaintiff.

The discrimination against the plaintiff was unlawful, and as the association was a party to the illegal agreement, their liability is co-extensive with that of the railroads. It is a well established principle of law that a common carrier cannot make unjust discriminations either in granting carriage or in carrying for some at a less rate than for others. *McDuffee v. Ry. Co.*, 52 N. H. 430; *R. R. Co. v. Rinard*, 46 Ind. 293; *R. R. Co. v. Ervin*, 118 Ill. 250. But in many instances a discrimination has been sustained on the ground that it was not unreasonable. *Johnson v. R. R. Co.*, 16 Fla. 623; *R. R. Co. v. People*, 67 Ill. 11. But a railway company cannot charge one rate for delivering grain at a particular elevator in a city, and a higher rate for delivering at another elevator in the same city, and equally accessible. *Vincent v. Ry. Co.*, 49 Ill. 33. At common law a carrier is not bound to treat all with absolute equality. *Ry. Co. v. Gage*, 12 Gray 393; *Sargent v. R. R. Co.*, 115 Mass. 422; *Menacho v. Ward*, 27 Fed. 529; and it has been held that a company may discriminate in favor of persons shipping large quantities of freight. *R. R. Co. v. Forsaith*, 59 N. H. 122; *Nicholson v. Ry Co.*, 1 Nev. & Macn. 121; *contra*, *Scofield v. Ry. Co.*, 43 Ohio St. 571.

CONSTITUTIONAL LAW—EMINENT DOMAIN—FISHING RIGHTS.—*ALBRIGHT v. PARK COMMISSION*, 57 ATL. 398 (N. J.).—A statute providing that the right to take fish from inland lakes be acquired by eminent domain for public enjoyment, *held*, unconstitutional, such right not being one of use, but of mere pastime. Gummere, C. J., and Vroom, J., *dissenting*.

In this case the decision rests on the distinction between the right to acquire property for park purposes, which the State has, *Shoemaker v. U. S.*, 147 U. S. 282, for the benefit of the public at large, and the acquisition of property by the State for a limited benefit to a small number of people. It is usually considered a question for the legislature to determine whether the public benefit is sufficiently great to justify the exercise of eminent domain, *Water Co. v. Stanley*, 39 Hun. 428; *Com. v. Breed*, 4 Pick. 463; *State v. Morris Aque. Co.*, 46 N. J. L. 495, though the courts will always rectify a gross abuse of this power. *Buckingham v. Smith*, 10 Ohio 288; *Coster v. Water Co.*, 18 N. J. Eq. 64. And they will look with particular care that the use to which the property is to be put, be public, especially in the case of real property, *Heyward v. New York*, 8 Barb. 488; *Taylor v. Porter*, 4 Hill 149. Being a grant by the government, it would be repugnant to the Constitution for the State to violate a contract for other than public purposes.

CONSTITUTIONAL LAW—EXPORTS—TAXATION.—*CORNELL v. COYNE*, 24 SUP. CT. 383.—*Held*, that the same tax on cheese manufactured solely for exporting as is laid on other cheese, is not obnoxious to the constitutional provision forbidding a tax on exports. Fuller, C. J., and Harlan, J., *dissenting*.

In the dissenting opinion it is contended that as soon as an article is set aside for the purpose of exporting, it becomes an export within the meaning of the Constitution; that otherwise there is no way of preventing Congress from evading the Constitution by taxing exports before they are shipped.